

INSTRUCTIONS FOR PROPOSED JURY CHARGES

Judge Cameron McGowan Currie

Proposed jury charges are one of the most important aspects of proper trial preparation. Unfortunately, many attorneys devote almost no attention to this critical part of the case. Often the charges submitted are prepared by law clerks, young associates or paralegals who are not actively involved in the case. Frequently, I receive numerous variations of the same legal principle, photocopied or typed from charge books, unnumbered and often unrelated to the issues in the case.

In an effort to encourage more useful submissions, I am disseminating this memorandum to all attorneys with cases for trial during the upcoming term of court. Counsel are requested to read the entire memorandum and to pass it on to anyone who will be involved in the preparation of proposed jury charges.

1. The court's preliminary and boilerplate jury instructions are attached to this memorandum. It is not necessary for attorneys to submit proposed instructions as to the matters contained in the attached instructions. If, of course, you in good faith believe that these standard instructions could be improved or need to be tailored for the trial of the case, I welcome input as to these matters.

2. Proposed instructions should be submitted in the following format: Each instruction must be numbered and double spaced, and only one idea or concept should be expressed on each numbered page. The procedure of settling the jury charge during the charge conference is greatly simplified if all counsel and the court work from the same stack of numbered instruction proposals, with each proposal being contained on a separate sheet.

3. A 3.5" disk containing your proposed charges should be submitted with the typed version you send to the court. My chambers currently uses WordPerfect 6.1 for Windows which allows us to convert up from WordPerfect 4.2 to 6.1. Please scan your disk for viruses before sending it to us. We will scan it again here.

4. Any citation of authority should be added at the bottom of the page with the proposed instruction to which it refers. If the charge comes from a particular charge book, please so indicate. Do not put citations of authority within the text of the charge or directly at the end of the charge. As required by local rule, copies of unreported or out-of-state decisions must be attached. Do not, however, attach copies of any cases reported in *Federal Reporter*, *Federal Supplement* or

Southeastern Reporter.

5. Do not submit repetitive requests for the same legal concept. Do not submit requests which have no direct relationship to the case.

6. Some attorneys incorrectly assume that the only way to charge a jury is to quote directly from reported appellate decisions. Appellate judges do not write opinions with jury instructions in mind. Sometime quotes from appellate opinions need to be reworded to make them more understandable to a jury. In addition, I like to look at other library resources as well--Restatements, hornbooks, treatises, etc. Don't hesitate to quote and cite authorities such as these in your jury charge requests.

7. It is my goal to prepare a written charge for submission to the jury in each case. I will take your requested charges and incorporate them into my charge if appropriate. Toward the end of the trial I will give you my proposed charge to review. You will then be given the opportunity to object to my proposed charge and to request additions or changes to it. Once the charge is finalized I will provide a copy to counsel and to each juror as I give the charge in open court. The jurors are permitted to take their copies of the charge into the jury room for deliberations. It has been my experience that there are significantly fewer jury questions with this method. In addition, the jurors express their appreciation for this procedure.

8. You should also prepare and submit a proposed verdict form with your proposed charges, particularly if you request special interrogatories. I will be working on the verdict form during the trial and will incorporate your proposals if appropriate. This is an excellent way to get yourself to focus on what you need to prove and what the jury will be asked to decide. Please include your proposed verdict form on the disk.

9. The proposed charges and verdict form should be submitted at the time your Trial Brief is due, but copies of the proposed charges and verdict form should be served on opposing counsel and there should be a certificate of service so indicating.

Thank you for your cooperation. Please feel free to call one of my law clerks if you have a question regarding this procedure.

Cameron McGowan Currie
United States District Judge

September 1996